

REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Bench of

Hon'ble Member Mr. S. D. Jha, RERA, Bihar,

RERA/CC/194/2024

Sanjay Kumar Complainant

Vs.

M/s Sri Anuanand Construction Pvt. Ltd. Respondent

Project:– SAI CITY

ORDER

08.10.2024 Hearing taken up. The complainant is present. The respondent is absent.

2. The complainant submits that he along with her wife booked Flat no.1301 (3BHK) on 13th floor, Tower no.1, in the project "Sai City" located at Mustafapur, Danapur, Patna vide Agreement For Sale dated 29.07.2019. Out of the consideration money, they deposited Rs.25,00,000/- (Rs.9,00,000/- each by the complainant and her wife Mrs. Anita Singh, receipts of which are kept on record, and Rs.7,00,000/- through cheque dated 28.06.2019, copy of which is kept on the record). He further submits that the flat was to be delivered in May, 2023 but till date the respondent has not delivered the same. Hence, he wants refund of money along with interest and in this connection cancellation letter has already been sent to the respondent vide mail dated 12.09.2024 for cancellation of booking and refund of money.

3. The Authority notes that vide proceeding dated 11.09.2024 the respondent was directed to file reply and appear on the next date of hearing with further direction that in case of non-compliance/non-appearance, it would be presumed that the respondent has nothing to say in this matter and an order would be passed on the basis of material available on the record, but today the respondent has neither appeared nor filed counter reply. Hence, the Authority is left with no option but to pass the order on the basis of material available on the record.

4. Perused the record. The Authority observes that the respondent - promoter neither honoured the commitment

made to the complainant of completing the project and handing over the flat within the specified time nor is refunding his money in spite of requests made by him and the letter sent to him by mail dated 08.09.2024. The Authority further observes that the respondent is not showing interest in getting this case disposed of because of the fact that the respondent did not appear before the Authority in spite of notice issued on 13.09.2024. It is also evident from the record that before the Conciliation Forum, RERA, the respondent also never appeared. Considering the hardship being faced by the complainant and also the indifferent and non-cooperative attitude of the respondent – promoter, the Authority does not think it proper to allow this case pending for further period and, accordingly, this case is disposed of today itse

5. Taking into consideration the submission of the complainant and on going through the material available on the record, the Authority directs the respondent - company and its Managing Director Mr. Bimal Kumar to refund the principal amount of Rs.25,00,000/- to the complainant along with interest within sixty days of issue of this order. The rate of interest payable by the promoter shall be at two percent above the prevalent Prime Lending Rates of the State Bank of India on the date on which the amount becomes due till the date of payment.

6. The complainant is at liberty to press other claims, if any, which are in the nature of compensation, before the Adjudicating Officer, RERA.

With the aforesaid observations and directions, this case is disposed of.

**Sd/-
S.D. Jha,
Member**